



The Seattle City Attorney's *Liaison Links*

Quarterly Connection to the People
and Programs of your
Precinct Liaison Offices
North - East - West - South/Southwest

Also in this issue:

- Auto Theft tool legislation
- Seattle's Community Court Project & Update
- * Liquor License Objections

Please visit the Precinct Liaison web site:
www.cityofseattle.net/law/precinct_liaisons

Spring 2006

NORTH PRECINCT

New Law Provides Added Tool in the Fight Against Auto Thefts

By Ed McKenna

Often, potential auto thefts are thwarted before the car is stolen. Sometimes victims startle suspects before their car can be stolen. Sometimes police find persons sleeping in stolen cars. Sometimes passengers in stolen cars simply get to walk away. Proving a suspect either stole, intended to steal, or assisted in the stealing of the car can be problematic for prosecutors.

A new tool, however, will now close the gap, making it easier to prosecute auto theft suspects and potential auto thieves. That new crime is officially entitled: Making or Having Burglar or Auto Theft Tools", and is informally known as the new "shaved key" law.

Continued next column

Seattle City Attorney, Tom Carr, has been a strong advocate in the fight against auto thefts and auto related crimes. In a prior Liaison Links article, Mr. Carr discussed the North Precinct's Pilot Project and outlined steps the public can take to reduce auto theft and related crimes. Mr. Carr is continuing the effort to reduce auto theft and related crimes by expanding the successful auto theft project to all Seattle precincts, coordinating efforts with the King Count Prosecutor's Office, and he has drafted and proposed the new shaved key law.

That new law makes it a gross misdemeanor crime to possess a list of items under circumstances evidencing intent to use the item in a vehicle-related crime. Those now illegal items include shaved keys, false master keys, lock pullers, "jiggler" keys, and other such items. Basically, if an unsuccessful auto thief is apprehended with one of the listed items, they can be charged

Continued next column

with a crime, punishable up to a year in jail and a \$5,000 fine. The full text of the new law is at the end of this article.

The new law was passed overwhelmingly by the City Council and signed by the Mayor on December 15, 2005. The new law went into effect January 15, 2006.

On a related matter, "The Club" steering lock device is now available at a discounted rate. Limited quantities are available to citizens of Seattle only. Additional information and order forms are now available for download at the Seattle Neighborhood Group's website: www.sngi.org. Several sizes are available and the price includes shipping, handling and sales tax. Order yours today before you miss out on this great deal.

Note: See Auto theft tool legislation on next page...

Continued on page 2

Continued from page 1

(Auto Theft Tools Legislation)

Full text of Seattle Municipal Code 12A.08.115, Making or Having Burglar or Auto Theft Tools:

(1) A. Every person who shall make or mend, or cause to be made or mended, or have in his or her possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement or any other implement listed in subsection B, that is adapted, designed, or commonly used for the commission of burglary or vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or vehicle related theft, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools or auto theft tools.

B. The following tools are to be considered prohibited implements; slim jim, false master key, master purpose key, altered or filed key, trial ("jiggler") keys, slide hammer, lock puller, or any other implement shown by facts and circumstances is intended to be used in the commission of a burglary or vehicle involved theft.

C. For the purposes hereof, the following definitions shall apply:
1. False Master or Master key means: Any key or other device made or altered to fit locks or

ignitions of multiple vehicles, or vehicles other than that for which the key was originally manufactured.

2. Altered key: Any key so altered, by cutting, filing, or other means, to fit multiple vehicles, or vehicles other than the vehicle for which the key was originally manufactured.

3. Trial ("Jiggler") keys: Keys or sets designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

D. It shall be prima facie evidence of "circumstances evincing an intent to use for commission of burglary or vehicle related theft" for a person to be in possession of multiple vehicle keys, or altered vehicle keys unless such person is a bona fide locksmith or an employee of a licensed auto dealer or other position for which the possession of such keys is in the performance of their duties.

E. Making or having burglar or auto theft tools is a gross misdemeanor.

WEST PRECINCT

TWIST By Tamera Soukup

The proposed opening of a cocktail lounge in a commercial space of an upscale condominium building in Seattle's Belltown neighborhood highlights the problems inherent in a mixed-use neighborhood.

The Mayor's Office has promoted residential growth and economic development in the downtown core and Belltown is one of the fastest growing residential areas in the City of Seattle. In addition to residential growth in this area, nightclubs and late night entertainment venues have opened at an ever increasing rate as well.

Many downtown residents claim that their quality of life has been impinged upon by the operation of late night entertainment establishments, i.e. nightclubs and restaurants that morph into nightclubs later in the evening. These residents are frustrated with the noise, public disturbances, and criminal activity that has been associated with nightclubs in the Belltown area.

Restaurant and nightclub owners, however, point out that the area would not be the successful community that it has become without the vibrant nightlife created by their businesses.

The conflict between alcohol establishment owners and residents came to a head recently, when the owners of a proposed cocktail lounge, Twist, leased commercial space on the street level of the Pomeroy, an upscale condominium building on First Avenue in Belltown. While the condominium owners were supportive of a restaurant in the location, they were opposed to a cocktail lounge that they believed had the propensity of becoming a

Continued on page 3

Continued next column

Continued next column

Continued from page 2
(Twist)

nightclub. There are currently no regulations or legal restrictions that would prevent the Twist from turning into a nightclub at a later date.

Other residents in the area were also concerned about the possibility of a nightclub opening in their neighborhood. The Oregon Apartments and the Dorothy Day House are located in the same block as the Pomeroy and voiced their concerns as well.

While the Twist had already signed a lease and begun construction, it had not yet obtained a liquor license for the establishment. Community members objected to the issuance of the liquor license and the City of Seattle became involved in the conflict.

Recognizing that the City needs both residential growth and a vibrant nightlife, it was determined that the City would work with the affected parties and come to a reasonable resolution that both Twist and the community could abide by. Assistant City Attorney (ACA) Tamera Soukup worked with the parties and negotiated an Operating Agreement that addressed the community's concerns and formalized the representations that Twist had previously made to the community.

Specifically, Twist agreed to provisions that would restrict it

from becoming a nightclub. Those provisions include restrictions on incorporating a dance floor, using promoters or DJ's for events, banning distribution of handbills, restricting queue lines, not allowing drink specials after 9 pm, not allowing outdoor seating, and maintaining an extensive dinner/appetizer menu until late into the evening. The agreement also addressed noise, security, closing procedures and liquor requirements.

The Mayor's Office has created a Night Life Task Force to research and advise the Mayor on how to create a system to address these mixed-use issues. The Task Force expects to present a report to the Mayor's Office this spring.

DENSITY WORK GROUP

By Tamera Soukup

Washington State Liquor Control Board (WSLCB) has created a Density Work Group to study the issue of when a community is adequately served by alcohol establishments. ACA Tamera Soukup was asked to participate in this work group and represent the City of Seattle's interests.

WSLCB has the exclusive authority to issue liquor licenses. The current state law mandates a cap on the number of spirits/beer/wine liquor licenses that can be issued in the state.

These licenses encompass both restaurants and nightclubs, and any combination of the two. The current cap is 1 per 1500 statewide. Some jurisdictions, including Seattle, already have many more licenses than the 1 per 1500 cap, and other jurisdictions way under the cap. WSLCB expects that the 1 per 1500 statewide cap will be reached by the end of 2006. The cap was designed to assist in determining when an area is adequately served with liquor licensed establishments.

WSLCB recognizes that a change in the law or the interpretation of the law is needed in the near future and has convened this work group to look at how these changes should be made. Once the current cap is reached, the economic development of growing jurisdictions will be negatively impacted if proposed restaurants are not permitted to serve alcohol. While some jurisdictions already have more than their share of these establishments, others are in need of this type of license.

Some of the ideas that will be considered by the work group include eliminating the cap, creating a sliding scale cap, and giving more authority to local jurisdictions to determine when an area is adequately served.

The work group will meet monthly over a 6-month period and is expected to create a report with recommendations to be submitted to the Liquor Control Board and the State Legislature.

Continued next column

Continued next column

ATTEMPTED POSSESSION OF NARCOTICS

By Tamera Soukup

Narcotic drug charges are felony offenses that fall under the jurisdiction of the King County Prosecutor's Office. The City of Seattle has jurisdiction over lower level misdemeanor and gross misdemeanor crimes, but not felony drug offenses.

Approximately one year ago the King County Prosecutor's Office made a policy decision to no longer file narcotics paraphernalia cases. These are cases where an offender is found with narcotics residue on drug paraphernalia. Residue is described as a trace amount of narcotics remaining in or on a device after its use. This amount cannot be further smoked or ingested. Drug paraphernalia is any device used to assist in taking illegal drugs including crack pipes and bongs. These cases have traditionally been filed as felony drug possession charges in Superior Court.

The City of Seattle felt that it was important to prosecute these individuals because they tend to patronize open air drug markets which have a devastating effect on the communities where they occur. These prosecutions play an important part in the City's effort to reduce the drug trade in our neighborhoods.

The City determined that it could file attempted narcotic

possession charges in Municipal Court because the attempted possession charge is a gross misdemeanor. In February 2006, the City began filing these charges in Municipal Court. All sentence recommendations include a Stay Out of Drug Area (SODA) order as a condition of sentence. SODA orders ban offenders from returning to areas that have already been designated as drug trafficking zones.

Seattle's Community Court ***By City Attorney Thomas Carr***

In March of 2005, a partnership between the Municipal Court, the City Attorney, and the Public Defender agency led to the creation of the Seattle Community Court Pilot Project. It has been a little over a year since this specialized court has been in existence.

Seattle's Municipal Community Court (SMCC) was the 27th in the nation and the first in Washington State. SMCC offers restorative justice and a comprehensive approach to reducing quality of life crimes by looking at the misdemeanants holistically and determining what underlying needs drives their criminal behavior.

The pilot project blended criminal justice with social service agencies in a comprehensive response to quality-of-life crimes that emphasized community service and behavioral treatment programs

Continued next column

over incarceration for low-level offenses. Such crimes include drinking in public, urinating in public, disorderly conduct, shoplifting, aggressive pan-handling, vandalism, loitering, trespassing, and prostitution.

This specialized court calendar within Seattle Municipal Court, is designed to deal with low risk defendants who commit quality of life offenses by requiring them to make social services contacts and do community service in lieu of short jail terms. Our Community Court development places Seattle at the forefront of the growing world-wide community court movement.

Later in 2005, the City Attorney's Office was awarded one of ten \$200,000 United States Department of Justice grants available under the *Community Involved Justice Initiatives* grant program to significantly expand the Seattle Community Court.

What are Community Courts?

Community Courts are problem-solving courts that address non-violent defendants who do not present public safety risks, but do adversely effect the quality of life of the community. About a third of the Municipal Court's caseload is made up of defendants who present a low risk to public safety, but a drain on quality of life. What happened in the past was that the defendants would be arrested, detained, processed and convicted, but little was done to interrupt the destructive cycle of their lives.

Continued on Page 5

Continued next column

During their short jail stays the defendants would be fed, provided a warm bed and medical care and kept alive, but no long-term good was being done for them or the community at large. Because these defendant presented no immediate risk to public safety, as their crimes fell under the non-violent misdemeanor category, the solution was to address the underlying problems that caused their recurring criminal behavior.

How did/does Community Court Work?

At first, because this started as a Pilot project, it was limited to a Geographic area of the downtown Seattle's retail district. Given that these defendants would need a Case Manager in lieu of a Probation Officer, a maximum of 40 at any given time was a full case load to carry. This project has now expanded to the South with the help of the \$200,000 Federal Grant for the biennium 2006-2007.

Eligible defendants are identified by the City Attorney's office and Community Court is offered as an alternative to a regular jail sentencing recommendation during the time of arraignment. Defendants then appear before the Community Court Judge Fred Bonner on Tuesdays and Thursdays at the SMC.

Sentencing is imposed under a grid agreed upon by the advisory board (a board comprising of community members, social

service groups, business retailers, law enforcement and other city agencies). Defendants then plead guilty. Judge Bonner imposes the agreed sentence.

The defendant are escorted to the second floor of the Courthouse where they are reconnected with appropriate social services. They are given instructions for completing their Community Service obligation, which is generally a combination of community service hours and mandatory contact with social service agencies to address their needs.

If the defendant fails to comply with the court sanctions, the agreed alternative jail sentence is imposed. If the defendant successfully completes the community service obligation, the case is closed.

What are the Core Guiding Principles of Community Court?

- Restoring the community;
- Bridging the gap between communities and courts;
- Knitting together a fractured criminal justice system;
- Helping offenders deal with problems that lead to crime;
- And, providing the courts with better information.

How is the program funded?

It is funded mostly out of existing resources of the Municipal Court, the City Attorney and the Associated Council for the Accused, and the Downtown Seattle Association. New funding from the Federal Grant will go toward paying for one person to oversee the program and increase social service contacts for community service hours opportunities.

Treatment programs, either mandated by the Court or entered into voluntarily by the offender include drug and alcohol treatment, healthcare, life-skills, education and job training programs. In some cases defendants will reconnect to services and case management under existing public benefits. Initially, most community service assignments were sidewalk cleaning, alley maintenance, trash pick up, pressure washing, or graffiti removal.

Community Court Update

Community court has been in existence since March 2005. Community Court defendants are carefully selected offenders that commit non-violent offenses such as theft, criminal trespass and prostitution, and repeatedly cycle through the criminal justice system. Many are chronically homeless, have addictions to drugs and/or alcohol, suffer from mental

Continued next column

Continued next column

Continued on page 6

*Continued from page 5
(Community Court Update)*

illness, and consequently, many are unemployed. Data collected during the first year of Community Court's operation serves as a baseline for measuring comparative outcomes and will help us to better understand the complexity of serving this population.

Defendant Profile Data

315 defendants were scheduled for the Community Court calendar during the 12-month period (March 3, 2005 – March 2, 2006).

70% were male, 30% female, and the average age for men and women was 41.

44% of defendants were Caucasian, 25% African-American, 11% Native American, 10% Hispanic, 4% Asian/Pacific Islander, and 5% Other/Unknown.

68% of successful participants were homeless, compared to 55% in general defendant pool. This number is low because many of those who reported having housing had unstable, temporary housing with friends or family members. The average length of homelessness was two years.

90% were unemployed; the average length of unemployment was 3.4 years.

51% completed high school, GED, or some level of high

school. 18% completed some level of college. Defendants on average completed 12th grade; the range was 3rd grade to a Master's degree.

Veterans comprised 12% of the defendant pool; 4% were successful completers.

42% were charged with theft, majority were males, 17% criminal trespass, and 11% prostitution, females only.

Findings

28% or 73 defendants completed their Court sanctions.

43% or 112 defendants completed 1,825 (39%) hours of mandated community service, monetary value \$18,250. Work included private and public property graffiti paint-outs; trash bags collected; trashcans emptied or serviced; alleys cleaned; and the assembly of 7,500 hygiene kits.

92% of successful defendants compared to 78% of all defendants needed DSHS benefits; of the total defendant pool 54% identified a need for Chemical Dependency services, 47% employment, and 25% Mental Health counseling.

Successful participants completed a higher number of social service linkages, three on average, compared to the total defendant pool who completed an average of 1.7 linkages.

\$111,100 in jail savings were realized by decreasing the time

from arraignment to the Community Court hearing to 3 days; this compares to 19 days for traditional court cases.

The Community Court geographic area contains a concentration of offenders who meet the pilot criteria for eligible charge type committed in the focus neighborhood.

2. The area coincides with the community work boundary of the Downtown Seattle Association (DSA) – Metropolitan Improvement District, one of two supervised Community Service sites. DSA provides financial support and analytic assistance to the project. Street Outreach Services, a second Community Service work site, is also located in the area.

Community Court is working to expand social service and community service providers with the help of the federal grant. Under this grant, a new position of Community Courts Grant Manager was created. This position will fulfill the requirement of community outreach by adding much needed sites that would supervise and provide community service hours for the defendants. In addition, the Advisory Board will be contacted to reconvene and more people from the various precincts invited to be on it.

If you are interested in being on the Advisory Board please contact Stephanie Tschida at: (206) 684-7731 or via email at stephanie.tschida@seattle.gov

Continued next column

Continued next column

EAST PRECINCT

Objections to the Renewals of Liquor licenses

By Dan Okada

Each year, every establishment with a liquor license must renew its liquor license with the Washington State Liquor Control Board (WSLCB). For most businesses, (restaurants, grocery stores, bars, and mini-marts), this constitutes a mere formality. However, if there is a liquor establishment that is having a negative impact on the surrounding community, then the yearly renewal process gives the City an opportunity to try to address the problems by filing an objection to the license renewal with the WSLCB.

Under the Washington Administrative Code (WAC) 314-09-015, an objection for non-renewal of a liquor license must be supported by facts that show that the liquor license at the business negatively impacts the safety, health, or welfare of the community. The WAC allows the appropriate governmental jurisdiction to file an objection to a license renewal. In our case, that is the City of Seattle through the Seattle Police Department.

While individuals can send objections to the WSLCB, those objections will be forwarded to the City to help determine whether to file an objection and to support non-renewal if an

objection is filed. It is important to keep in mind that it is the WSLCB, not the City of Seattle, who makes the decisions as to whether a liquor license is renewed

Before filing any objection to a liquor license renewal, the precinct liaison, Community Police Team officers, patrol officers, and vice unit will collaborate with neighbors, businesses, or citizen groups to assess the extent of the problem.

Documentation of the problem and the impact on the community will be important pieces of information to provide to the City to assist us in understanding the problem and the steps that can be taken to address it. In most circumstances, an objection will be filed only when requests for voluntary changes at a liquor establishment are either refused or unsuccessful in addressing the concerns.

Oftentimes the City will attempt to negotiate a community Good Neighbor Agreement (GNA) with the offending business. A GNA is a contract between the City and the business setting forth practices the business will implement to help curtail the negative impact on the community.

The GNAs are tailored to address the specific concerns of the particular business. Examples of the provisions that might be incorporated into a

GNA are the use of crime prevention through environmental design (CEPTED) practices at the business, the development of security procedures at a nightclub, or the requirement to regularly meet with the community police officers to discuss crime concerns.

If a request for the non-renewal of a liquor license is granted by the WSLCB, that does not end the process. A business that has had its liquor license revoked is entitled to an administrative hearing to contest the revocation. The hearing process can take up to a year or more to finally be decided. During that time, the business is entitled to a temporary license that allows it to continue the sale of alcohol. If the City prevails at the hearing, the business will lose its license to sell alcohol.

If you live or work near a liquor establishment that is negatively impacting you and the surrounding community, please contact your precinct liaison or Community Police Team Officer to see if steps can be taken to address the problem. Advanced notice to the City of any request to not renew a liquor license is required as there are timelines that must be met with for the filing of an objection.

QUOTABLE QUOTE:

A real patriot is the fellow who gets a parking ticket and rejoices that the system works.
~Bill Vaughan

Continued next column

Continued next column

The Seattle City Attorney's
Liaison Links

North Liaison Attorney

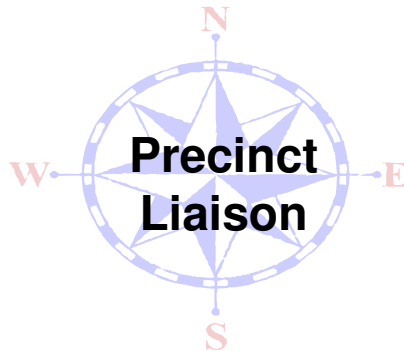
Ed McKenna

206-684-7765

West Liaison Attorney

Tamera Soukup

206-386-4084



East Liaison Attorney

Dan Okada

206-684-4375

South/Southwest Liaison Attorney

Tuere Sala

206-233-2020

Thomas Carr, 206-684-8288

Seattle City Attorney

Robert Hood, 206-684-7771

Public & Community Safety Division Chief



THOMAS A. CARR
Seattle City Attorney

600 - 4th Avenue, 4th Floor
Seattle, WA 98104

First class
stamp